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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/753,352

12/29/2000

Bruce E. McGarvey

257/262

9728

30408

7590

02/24/2003

GATEWAY, INC.

ATTENTION: IP LAW GROUP (MAIL STOP SD-21)

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EXAMINER

RAHLL, JERRY T

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/753,352

Applicant(s)

MCGARVEY, BRUCE E.

Examiner

Jerry T Rahll

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-16 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 9-13 and 17-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.                      6) ☐ Other: .

## DETAILED ACTION

### *Drawings*

1. The drawings submitted have been reviewed and determined to facilitate understanding of the invention. The drawings are accepted as submitted.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 14-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,617,496 to Kingstone.
4. Kingstone describes a system for organizing one or more elongated objects (10', 35) comprising a first fastener (39, 42, 30), adapted to extend along substantially all the length of the elongated objects, adapted to extend for a distance along the length of at least a first one of the elongated objects and capable of coupling the first one of the elongated objects to a second one of the elongated objects (See Figure 3 and Column 4).
5. While Kingstone does not specifically describe the fastener as reusable. However, the connection is described as a "snap-fitting relationship". It is inherent that such a relationship allow for snapping and unsnapping the fastener and it would be inherently reusable.
6. There are multiple elongated objects and fasteners described by Kingstone. It is possible to consider any one of the elongated objects as a "first elongated object". When element 35 is considered the first elongated object, the first fastener comprises a male component that is a

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raised bead (39, 42). Therefore, element 10' is considered the second elongated object having a second, female fastener (30). The first and second fasteners are capable of mating together to couple the first and second elongated objects together.

7. When element 10' is considered the first elongated object, the first fastener comprises a female component that is an indented channel (30).

8. Further, element 35 maybe considered a converter, adapted for attachment to the first fastener, comprising a plurality of male components that are raised beads (39, 42) adapted for attachment to the first fastener. Also, element 35 can be considered a hanger as fasteners (46) are shown for positioning the converter on a surface.

9. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,900,126 to Jackson et al.

10. Jackson et al. describes multiple elongated objects (22) having a first adhesive fastener (42) adapted to extend along the length of a first of the elongated objects and capable of coupling the first of the elongated object to a second of the objects (See Figures 2 and 3 and Columns 2, 4 and 5).

***Allowable Subject Matter***

11. Claims 9-13 and 17-18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 9-13 describe the first fastener comprising a wrap adapted to be applied around the first of the elongated objects. Claims 17-18 describe the converter having a plurality of female components. This is subject matter not described by the prior art of record.

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*Conclusion*

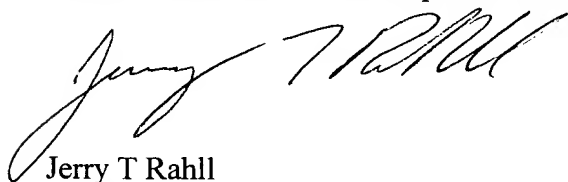
13. Prior art documents submitted by applicant in the Information Disclosure Statement filed on 09 April 2001 have all been considered and made of record (note the attached copy of form PTO-1449).

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents Nos. 1,703,712 to Aud, 2,810,944 to Sander and 6,234,707 to Maier-Hunke describe fasteners for elongated objects.


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (703) 306-0031. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Jerry T Rahll  
February 12, 2003

  
Alan E. Ulsch  
Primary Examiner